

By Senator Dean

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1 A bill to be entitled
2 An act relating to clean energy; creating the Clean
3 Portfolio Standards Act; providing legislative intent;
4 defining the term "clean energy"; requiring each
5 electric utility to ensure that at least 20 percent of
6 all retail electric sales be derived from clean energy
7 by a specified date; requiring public utilities to
8 give priority to entities that produce clean energy in
9 this state when purchasing electricity; requiring each
10 electric utility to make a good faith effort to
11 acquire sufficient clean energy to comply with the
12 provisions of the act; providing exceptions;
13 encouraging electric utilities in this state to pursue
14 the joint-ownership of nuclear power plants;
15 authorizing the Public Service Commission to adopt
16 rules to ensure that public utilities produce clean
17 energy in a fair and impartial manner; authorizing the
18 Public Service Commission to develop an accreditation
19 process to ensure that any entities providing clean
20 energy in this state satisfy the legislative goals of
21 this act; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. (1) This act may be cited as the "Clean
26 Portfolio Standards Act."

27 (2) (a) The Legislature finds that it is in the public's
28 best interest to:

29 1. Encourage investment in clean energy resources in order

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30 to expand environmentally sustainable methods of generating
31 electricity.

32 2. Stimulate the economic growth of this state.

33 3. Enhance the continued diversification of the fuel
34 sources for electricity used in the state.

35 (b) The Legislature further finds and declares that a
36 program requiring electric utilities to use clean energy is a
37 way to encourage investments in clean energy resources,
38 stimulate economic growth within the state, and enhance the
39 continued diversification of the state's energy resources, while
40 minimizing the rates paid by consumers.

41 (3) As used in this section, the term "clean energy" means
42 demand-side reductions in electrical energy consumption
43 resulting from a commission approved conservation program,
44 electrical energy produced or purchased from a method that uses
45 one or more of the following fuels or energy sources: nuclear
46 energy, solar energy, geothermal energy, wind energy, ocean
47 energy, hydroelectric power, and electrical energy produced or
48 purchased by an electric utility from resources that use biomass
49 or solid waste and has, at a minimum, net carbon neutral
50 emissions over the life of the facility.

51 (4) Each electric utility, as defined in s. 366.02, Florida
52 Statutes, shall ensure that by the year 2020, and for each year
53 thereafter, at least 20 percent of all retail electric sales be
54 derived from clean energy produced in this state.

55 (5) When a public utility as defined in s. 366.02, Florida
56 Statutes, must produce or procure clean energy in order to
57 satisfy the requirements of this section, the public utility
58 shall use a competitive-procurement process, and may use an

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59 independent third-party administrator, to select the most cost-
60 effective alternative available to meet the capacity and energy
61 requirements of its consumers, including the repowering or
62 replacement of existing fossil-fueled facilities. For the
63 procurement of clean energy, each public utility shall use
64 sources of clean energy which are not related to or affiliated
65 with the public utility, except as part of a holding company
66 with multi-state dispatch. Priority shall be given to clean
67 energy produced in this state, unless cost prohibitive or
68 limited by transmission.

69 (6) Each electric utility shall make a good faith effort to
70 acquire sufficient clean energy to comply with the provisions of
71 this section. An electric utility shall be excused from
72 compliance with any clean portfolio standard based upon a
73 showing that the collective supply of clean energy is not
74 adequate to satisfy the requirements of this section, or the
75 cost of securing clean energy is prohibitive.

76 (7) In order to further promote the development of nuclear
77 electrical generation and minimize the financial risk to any one
78 utility associated with the construction of a nuclear power
79 plant, electric utilities in this state are encouraged to pursue
80 the joint-ownership of nuclear power plants. Under such joint-
81 ownership agreements, the costs of siting, preconstruction and
82 construction shall be shared on a pro-rata basis in proportion
83 to the capacity and energy received. For the purpose of this
84 section, the commitment of an electric utility to enter into a
85 joint-ownership arrangement may be used to comply with the goals
86 set forth in this section.

87 (8) The Public Service Commission may adopt rules to ensure

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88 that public utilities produce clean energy in a fair and
89 impartial manner, consistent with the goals set forth in this
90 section. The Public Service Commission also may develop an
91 accreditation process to ensure that any entities providing
92 clean energy in this state satisfy the goals of this act.

93 Section 2. This act shall take effect July 1, 2009.